

EXHIBIT A

From: Mike Ayotte <mayotte@clientfirstlegalsolutions.com>
Sent: Friday, July 26, 2024 12:38 PM
To: David Grech <dgrech@grsm.com>
Cc: Evarts, Susanna D. <SEvarts@jenner.com>; MacDonald, Laura P. <LMacDonald@jenner.com>; Jaffre, Remi J.D. <RJaffre@jenner.com>; Andrew Varvaro <avarvaro@grsm.com>
Subject: Re: Seeking Leave to File Answers to Counterclaims

All you had to do was say you intended to oppose.

Sent from my iPhone

On Jul 26, 2024, at 8:52 AM, David Grech <dgrech@grsm.com> wrote:

Mike,

We do not believe it was reasonable to expect our response on this important issue in less than 24 hours. Moreover, it does not appear that you even waited that long (only approximately 20 hours) as we received notification of the filing of your letter motion 5 minutes after we received the below email from NY Doe 2's counsel. (Also, I have asked you to include my colleague Andy Varvaro (now cc'd) on all communications in this case.) That also did not leave us very much time to confer with our client on your request.

We were not in a position to speak to your "excusable neglect" in failing to file a pleading responsive to Illinois Doe 1's counterclaim because you had not yet proffered an "excuse." That being said, we strain to imagine an excuse that would override the prejudice that would be exacted upon our client were your client to be permitted to file a responsive pleading now. The parties have engaged in settlement negotiations (directly and with the assistance of a mediator). Additional discovery has been exchanged. Summary judgment motion briefing has been set and adjusted. And the parties have even addressed the manner in which those summary judgment motion papers would be initially filed with the Court. Most importantly, we have already filed Illinois Doe 1's summary judgment motion. We try to extend consent to our adversaries whenever possible, but this is different. Thus, we would not have consented to your request, even if you had given us sufficient time. Now, that you have filed a request for leave, we will have to articulate that opposition to the Court.

Sincerely,

David

DAVID J. GRECH | Partner

GORDON REES SCULLY MANSUKHANI | GRSM50

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From: Evarts, Susanna D. <SEvarts@jenner.com>
Sent: Friday, July 26, 2024 9:29 AM
To: Mike Ayotte <mayotte@clientfirstlegalsolutions.com>; MacDonald, Laura P. <LMacDonald@jenner.com>; Jaffre, Remi J.D. <RJaffre@jenner.com>; David Grech <dgrech@grsm.com>
Subject: RE: Seeking Leave to File Answers to Counterclaims

Mike,

We do not understand how your “neglect” in failing to answer our counterclaim was in any way “excusable.” Your client’s deadline to answer was October 20, 2023, and you have not offered any explanation for your more than nine-month delay. The prejudice from permitting your client to answer now is obvious, given that we have already filed our summary judgment motion. Accordingly, we are unable to consent to your request at this time.

Best,
Susanna

Susanna D Evarts

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From: Mike Ayotte <mayotte@clientfirstlegalsolutions.com>
Sent: Thursday, July 25, 2024 1:35 PM

To: MacDonald, Laura P. <LMacDonald@jenner.com>; Jaffre, Remi J.D. <RJaffre@jenner.com>;
Evarts, Susanna D. <SEvarts@jenner.com>; David Grech <dgrech@grsm.com>
Subject: Seeking Leave to File Answers to Counterclaims

Counsel,

Upon reading your summary judgment papers, I first learned that I had not filed answers to the counterclaims. I intend to file a letter motion seeking leave to file those answers on the grounds of excusable neglect and that defendants have not been prejudiced, there will be no impact on the judicial proceedings and the failure to file was not to gain any advantage or in bad faith. Please let me know whether you intend to oppose and on what grounds and I will inform the court of the same.

Best,

Mike Ayotte

Michael W. Ayotte

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